

REMARKS

The enclosed is responsive to the Examiner's Office Action mailed on March 17, 2008. At the time the Examiner mailed the Office Action claims 1-20 were pending. By way of the present response the Applicants have: 1) amended claims 1, 12, 13, and 17-20; 2) added no new claims; and 3) no canceled claims. As such, claims 1-20 are now pending. The Applicants respectfully request reconsideration of the present application and the allowance of all claims now represented.

Claim Rejections

35 U.S.C. 101 Rejections

Claims 1-11 and 17-20 were rejected under 35 U.S.C. §101 as being "directed to non-statutory subject matter."

With respect to claim 1, Applicants respectfully submit that a hardware component is included in the claim. Specifically, "a network interface module to connect the apparatus to a network" is a hardware component. Thus, claim 1 is directed to statutory subject matter. Claims 2-11 are dependent on claim 1 and are also directed to statutory subject matter.

With respect to claim 17, while Applicants respectfully disagree that the preamble of claim 17 was not limited to storage media, Applicants have amended the claim in a non-narrowing manner similar to what the Office Action suggested on page 3. Applicants respectfully submit that claim 17 and its dependents 18-20 are directed toward patentable subject matter.

35 U.S.C. 102(e) Rejections

Claims 1-7 and 9 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 7,277,957 B2 (hereinafter "Rowley"). Rowley describes a method for recreating a "network communication session." Rowley, col.4 l.39. The method begins with packets being captured. Rowley, col.3 ll.28-42. They are "then sorted into a protocol list" and decoded according to the

protocol. Rowley, col.3 ll.49-56. Finally, the network communication session is recreated. Rowley, col.4 l.39.

Rowley does not describe what Applicants claims require. With respect to claim 1, Rowley does not describe:

- a network interface module to connect the apparatus to a network;
- a packet capture module to intercept packets being transmitted on the network;
- an object assembly module to reconstruct flows representing objects being transmitted on the network from the intercepted packets;
- an object classification module to determine a type of content and reconstruct objects from the flows;
- an object store module to store the objects;
- and
- a user interface to enable a user to search objects stored in the object store module.

Rowley does not describe any module to “determine a type of content of the reconstructed objects.” The Office Action cites two portions of Rowley as purportedly describing this limitation. Rowley does describe determining if a packet indicates a script file, but does not determine the type of content (such as Word, PDF, etc.). Rowley merely looks at protocols by port number (see Fig. 3) and does not classify by type by using the inherent properties and signatures of various documents to determine the content type of each object.

As such, Rowley does not describe the final limitations because Rowley does not recreate objects reconstructed in the claimed manner.

Accordingly, Rowley does not describe what claim 1 requires. Claims 2-11 are dependent on claim 1 and are allowable for at least the same reason.

35 U.S.C. 103(a) Rejections

Claim 8 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Rowley and further in view of U.S. Patent 7,072,967 B1 (hereinafter “Saulpaugh”). Claim 8 is dependent on claim 1 and is thus allowable for at least the same rationale.

Claims 10-11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Rowley and further in view of U.S. Patent 7,290,048 B1 (hereinafter "Barnett"). Claims 10-11 are dependent on claim 1 and are thus allowable for at least the same rationale.

Claims 12-14 and 17-19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Rowley in view of Barnett. Barnett describes the creation of spreadsheets with "network-based data" consisting of a "time series of values (rows)." Barnett, Abstract and col.10 ll.52-53. These rows include time stamp data, source and destination address, etc. Barnett, col.10 ll.52-61. They may also include "tags" which "contain annotations which help support transaction recognition, pointers to original sources of data for traceability, and color coding tags for display purposes." Barnett, col.10 ll.52-53. These "tags" do not index objects stored.

The combination of Rowley and Barnett does not describe:

intercepting data being transmitted on a network;
reconstructing flows of objects being transmitted on the network from the intercepted data;
classifying the reconstructed objects by content type;
creating a tag to describe each reconstructed object;
storing the classified objects and tags; and
indexing the stored objects to enable searching of the stored objects via the tags.

First, Rowley does not describe any module to "classify by type." The Office Action cites two portions of Rowley as purportedly describing this limitation. Rowley does describe determining if a packet indicates a script file, but does not determine the type of content (such as Word, PDF, etc.). Rowley merely looks at protocols by port number (see Fig. 3) and does not classify by

type by using the inherent properties and signatures of various documents to determine the content type of each object.

Neither reference describes “creating a tag to describe each reconstructed object” or storing such a tag.

Finally, while Barnett was cited as indexing stored objects, Barnett does not 1) store recreated objects and 2) does not index stored recreated objects. Rather, Barnett points to “original sources of data.”

Thus, the combination does not describe what Applicants claims 12 and 17 require. Claims 13-16 and 18-20 are dependent on claims 12 and 17 respectively and are allowable for at least the same reason.

Claims 15-16 and 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Rowley, Barnett and further in view of Saulpaugh. Claims 15-16 are dependent on claim 12 are allowable for at least the same rationale. Claim 20 is dependent on claim 17 and allowable for at least the same reason.

In light of the comments above, the Applicants respectfully request the allowance of all claims.

CONCLUSION

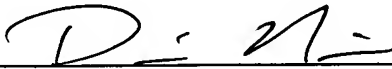
Applicants respectfully submit that all rejections have been overcome and that all pending claims are in condition for allowance.

If there are any additional charges, please charge them to our Deposit Account Number 02-2666. If a telephone conference would facilitate the prosecution of this application, the Examiner is invited to contact David F. Nicholson at (408) 720-8300.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 8/18/08



David F. Nicholson
Reg. No.: 62,888

1279 Oakmead Parkway
Sunnyvale, CA 94085
(408) 720-8300